

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROD MARSHALL, KIMBERLY C.)
BUNJER QUICK, DAVID HAYES, RON)
FUCINARO, ROBERT HAYWORTH,)
and TIMOTHY MCCORMICK, Trustees)
of Contractors, Laborers, Teamsters)
and Engineers Health & Welfare Plan)
and Contractors, Laborers, Teamsters)
and Engineers Pension Plan, and)
LABORERS' INTERNATIONAL UNION)
OF NORTH AMERICA, LOCAL 1140,)

Plaintiffs,)

v.)

THERESA BAGGETT, d/b/a Baggett)
Masonry, Inc.,)

Defendant.)

8:08CV168

ORDER

This matter is before the court after receiving the Eighth Circuit opinion and judgment in this case. Filing Nos. 52 and 53. The Court conducted a telephonic hearing with counsel on this date to determine how to proceed. The Court has decided that it will (1) vacate the defaults and judgments in this case; (2) vacate the award of attorneys fees; (3) allow the plaintiffs thirty days to file an amended complaint, if they so choose, and allow all parties thirty days to file appropriate motions, if they choose to do so; and (4) send the case to the magistrate judge for progression in due course.

THEREFORE, IT IS ORDERED that:

1. The previous defaults in this case, Filing Nos. 9 and 12, and order on judgment, Filing No. 25, and judgment, Filing No. 26, are vacated;
2. The Court's order granting attorney fees, Filing No. 27, is vacated; and
3. The plaintiffs have thirty days from the date of this order to file an amended complaint, if they so choose, and all parties have thirty days from the date of this order to file any initial motions, if they choose to do so; and

4. The magistrate judge is hereby ordered to progress this case when it is ripe for progression.

DATED this 9th day of September, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Judge